

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayer
Marshall Johnson
Ken Nickolai
Thomas Pugh
Phyllis A. Reha

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Petition by Crosslake
Telephone Company to Amend its Certificate
of Authority to Expand its Local Service
Territory

ISSUE DATE: April 3, 2007

DOCKET NO. P-569/M-07-79

ORDER ALLOWING COMPANY TO
SERVE AFFECTED AREAS AS CLEC

PROCEDURAL HISTORY

On January 23, 2007, Crosslake Telephone Company d/b/a Crosslake Communications (Crosslake or the Company), an incumbent provider of local exchange services in the Crosslake exchange, filed a petition to amend its certificate of authority to expand its local service territory to the entire city of Crosslake.¹

On February 8, 2007, Arvig Telephone Company (Arvig) filed an objection to Crosslake's petition, noting that the petition does not involve an unserved territory, that Arvig currently provides local service in the area, and that it has made significant investments in the area.

On February 12 and 14, 2007, the Department of Commerce filed a letter and comments, indicating that it does not consider the Company's filing to be a petition to revise the boundary lines on the official maps of the incumbent local exchange companies, but, instead, a petition to operate as a competitive local exchange carrier in the area. Under that scenario, the Department recommended approval of the Company's petition.

On February 23, 2007, Crosslake filed reply comments, indicating that a change of boundary should be possible, creating a limited area within the city of Crosslake served by two local exchange companies. Crosslake, however, indicated no objection to the Department's recommendation to treat the request for approval as a competitive local exchange carrier.

¹ This would allow the Company to provide facilities based local exchange services in the neighborhoods along the western edge of the city of Crosslake, which are currently being served by Arvig Telephone Company.

On March 22, 2007, the Commission met to consider the matter.

FINDINGS AND CONCLUSIONS

Minn. Stat. § 237.16, subd. 4 requires a company to file an amended certificate of authority for requested service area expansion:

Subd. 4. Amended certificate required for expansion. No company authorized to provide local service shall provide local telephone service in any area for which it has not been certified nor shall any person acquire ownership or control of another telephone company either directly or indirectly, without first obtaining from the commission an amended certificate of authority.

Minn. Rules, Part 7812.0300, subp. 5 describes the requirements and the decision criteria for granting an amendment to a certificate of authority for a change in service area. The rule states that a petition to modify a local service provider's service area must include a revised map and descriptive narrative delineating the petitioner's proposed service area changes.

The Commission concurs with the Department that the appropriate framework for analyzing this filing is set forth in Minn. Stat. § 237.16, subd. 4 and Minnesota Rules 7812.0300, subp. 5. Here, the Company's request seeks to provide service as a competitive local exchange carrier in the affected areas, not to displace the incumbent local exchange carrier in those areas.

The Commission also concurs with the Department that the Company has demonstrated compliance with the criteria set forth in that statute and rule for receiving an amended certificate of authority as a competitive local exchange carrier. It will therefore be granted.

The Commission grants Crosslake's petition to amend its certificate of authority to operate as a competitive provider of facilities based local services in the neighborhoods along the western edge of Crosslake. No changes in the current boundary lines of the incumbent local exchange carriers will be made pursuant to this filing.

ORDER

1. The Commission grants the Company's request to serve as a competitive local exchange carrier in the area that is the subject of its current expansion request.
2. The Commission directs the Company to file any necessary amendment to its tariffs or price list to include the requested areas.

3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

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